

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

APM&HS – Orders of National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No.1120/2010 filed by the Superintendent, Government General Hospital, Kurnool - Revised – Orders – Issued

.....

HEALTH, MEDICAL & FAMILY WELFARE (A.1) DEPARTMENT

G.O.Rt.No. 789

Dated: 28.03.2011.

Read the following :-

1. Hon'ble NCDRC, New Delhi, orders in R.P.No.1120, Dt: 25.05.2010.
2. G.O.Rt.No.922, HM&FW (A.2) Dept., Dt: 19.07.2010.
3. G.O.Rt.No.1410, HM&FW (A.2) Dept., Dt: 14.10.2010.
4. From the Superintendent, Government General Hospital, Kurnool Letter Rc.No.1069/G1/07, Dt: 03.01.2011.
5. Reprn of Dr.G.Ramanath, Prof. of Surgery (Retd.) Kurnool, Dt: 18.01.2010.

:-oOo:-

ORDER:

In the reference first read above, Hon'ble National Consumer Disputes Redressal Commission, New Delhi ordered to deposit half the amount awarded by the Hon'ble A.P. State Consumer Dispute Redressal Commission, Hyderabad vide orders Dt: 10.12.2009 in F.A.No.1046/07 to pay Rs.2,00,000/- towards medical expenditure and Rs.2,00,000/- towards compensation with interest @ 12% on both these amounts from the date of operation i.e., 07-06-2002 till the date of realization and Rs.20,000/- towards costs. As requested by DME, Government have issued orders in the reference 2nd read above, sanctioning an amount of Rs.3,57,000/- (Rupees Three lakhs fifty seven thousand only) towards payment of half of the amount awarded by the State Forum to be deposited in the National Consumer Disputes Redressal Commission New Delhi, from Government account.

2. On re-examination of the case, modified orders were issued in the G.O. third read above, for recovery of the amount sanctioned in G.O. 2nd read above from the doctors concerned, if already disbursed / reimbursed to the doctors and recoup to the Government Treasury Account, immediately under intimation to Government.

3. In the reference 4th read above, the Superintendent, Government General Hospital, Kurnool has informed that as per the instructions issued in G.O.3rd above, the bankers cheque bearing No.180004, Dt: 03.08.2010 for Rs.3,57,000/- drawn in favour of the President, District Consumer Disputes Redressal Forum, Kurnool was remitted through Treasury Challan No.42991, Dt: 27.10.2010 in the respective Government Head of Account.

4. In the reference 5th read above, Dr.G.Ramanath, Professor of Surgery (Retd) has submitted a representation stating that though he was not involved and he was no way connected to the surgery performed by Dr.Radha Krishnan, the then Asst. Professor of Surgery on 07.06.2002, yet he was made a respondent in the case. He further submitted that only to avoid legal disputes, he had deposited an amount Rs.2,01,000/- and the Superintendent, Government General Hospital, Kurnool has deposited the equal amount of Rs. 2,01,000/- from Hospital Development Funds. He has requested to re-examine his case and issue necessary orders sanctioning Rs.2,01,000/- to reimburse the amount remitted by him in the National Forum.

5. Government have examined the matter and observed that though Dr.Ramanath, Professor & Head of Surgery, Unit-IV, Government General Hospital, Kurnool was not directly responsible for the negligence in the operation performed on the patient Sri Moulali, he cannot be absolved of the overall responsibility for his failure in supervision and oversight as head of the Department (HOD). However, it has been observed that Dr.Dhannujaya, the then Asst. Professor of Anaesthesia and Dr.Radhakrishna the then Asst. Professor of Surgery, together were directly responsible for the complicated outcome of the surgery performed on the patient Sri Moulali, and therefore are liable to pay the damages awarded by the Forum.

P.T.O

6. The Government, therefore, hereby order that Dr.Dhanunjaya, the then Asst. Professor of Anaesthesia and Dr.Radhakrishna the then Asst. Professor of Surgery shall together remit the entire amount of Rs.8.04 lakhs (Rupees eight lakhs and four thousand only) to Government Account within 30 days from the date of receipt of this order. The Superintendent of Government General Hospital, Principal, Kurnool Medical College, Kurnool shall effect recovery of the amount from these two individuals and reimburse the advance paid from HDS and amount paid by Dr.Ramanath and retain the remaining for payment to National Consumer Disputes Redressal Commission., New Delhi for payment to Mr.Moulali, the patient.

7. The Director of Medical Education shall take necessary action in the matter and inform compliance to the Government within six weeks.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. P.V. RAMESH,
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director of Medical Education, A.P., Hyderabad

The Superintendent, Government General Hospital, Kurnool.

Copy to:

Dr. Radhakrishnan, Assistant Professor of Surgery in the Dept. of Plastic Surgery,
Kurnool Medical College, Kurnool.

Dr. Dhanunjaya, Casualty Medical Officer, Osmania General Hospital, Hyderabad.

The Principal, Government General Hospital, Kurnool

The OSD to Minister for Medical & Health

Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER